



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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HUNTON & WILLIAMS
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of :
Thomas Piccariello et al :
Serial No.: 09/933,708 : PETITION DECISION
Filed: August 22, 2001 :
Attorney Docket No.: 54719.000028 :

This is a response to the renewed petition under 37 CFR 1.59(b), filed July 10, 2003, to expunge information from the above identified application.

Petitioner requests that specific items filed as part of an Information Disclosure Statement (IDS), filed March 25, 2003, be expunged from the record. The petition fee set forth in 37 CFR 1.17(h) was previously been paid.

In response to the previous petition which denied return of the entire IDS on the basis that it contained publicly available documents, such as patents, applicants have submitted a renewed petition listing specifically those items which are considered proprietary and request their return. The items identified are items P55-P86 of the IDS. A review of these items shows that they are primarily presentations to companies or financial institutions made for the purpose of interesting investment in the subject matter of the application. However, no details of how to make or use are contained in the presentation items and as such they can have no bearing on the determination of patentability of the application. Furthermore, most of the items are marked as or indicated as being presented to the receiving parties under a confidential agreement. As such the materials cannot be considered publicly available and are not useable by the examiner.

Three documents submitted, however, are considered to be worthy of further consideration by the examiner and may have an impact on the determination of patentability of the application. There are items P68, P77 and P78. These items appear to present data and/or experimental results which may be relevant to patentability. As such, these items are not being returned at this time. Should the application be allowed or become abandoned, a supplemental petition to expunge these materials may be submitted, no additional fee being required.

In summary, items P55-P67, P69-76, and P78-P86 are returned herewith. Items P68, P77 and P78 are retained subject to a later renewed expungement request.

The petition is **GRANTED-IN-PART** to the extent indicated above. Any renewed petition for return of the additional items does not require a petition fee.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703)308-3824 or by facsimile transmission at (703) 308-7230



Bruce M. Kisliuk

Director, Technology Center 1600